

MINUTES – OCTOBER 5, 2009

The Caswell County Board of Commissioners met in regular session at the Historic Courthouse in Yanceyville, North Carolina at 6:30 p.m. on Monday, October 5, 2009. Members present: Jeremiah Jefferies, Chairman, George W. Ward, Jr., Vice-Chairman, Erik D. Battle, William E. Carter, Nathaniel Hall, Gordon G. Satterfield, and Kenneth D. Travis. Also present: Kevin B. Howard, County Manager, Michael R. Ferrell, County Attorney, and Angela Evans representing The Caswell Messenger. Wanda P. Smith, Clerk to the Board, recorded the minutes.

MOMENT OF SILENT PRAYER

Chairman Jefferies opened the meeting with a Moment of Silent Prayer.

APPROVAL OF AGENDA

Commissioner Travis moved, seconded by Commissioner Ward to approve the agenda as presented. The motion carried unanimously with Commissioner Carter absent.

APPROVAL OF COSENT AGENDA

Commissioner Ward moved, seconded by Commissioner Travis to approve the Consent Agenda as presented. The motion carried unanimously with Commissioner Carter absent.

The following items were included on the Consent Agenda:

- 1) Approval of Minutes of June 22, 2009 Special Meeting, June 30, 2009 Special Meeting, and July 6, 2009 Regular Meeting

(At 6:35 p.m. Commissioner Carter entered the meeting).

PUBLIC COMMENTS

Chairman Jefferies opened the floor for public comments.

There were no public comments made.

RECOMMENDATIONS FROM FARMER LAKE BOARD

Mr. Buddy Garland, Farmer Lake Board Chairman, came before the Board to present recommendations regarding Farmer Lake operations. Mr. Garland informed the Board that the Farmer Lake Board has recently held four meetings and presented the following recommendations regarding the operations of Farmer Lake.

RECOMMENDATIONS BY THE FARMER LAKE BOARD

Lake Closings:

- Close Lake – December and January
- Close Lake – on Monday and Tuesday, except on Holidays in 2010.

Lake Fees for 2010:

- \$45 for season permit
 - \$30 for season permit for canoes and kayaks
 - \$3 for bank fishing
 - \$1 for Senior bank fishing
 - \$10 for day boat fishing
 - \$5 for canoes and kayaks for day fishing
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- We should advertise the events and fishing on the lake.
 - We need to put up road signs to Farmer Lake.
 - There should be a web site for Farmer Lake.
 - We must educate the public about the uses of the lake.

There will be no duck hunting season in 2010.

The Farmer Lake Board Members:

Voted on and approved on September 24, 2009.

Commissioner Travis stated that he is a member of the Farmer Lake Board and attended the meetings in discussion of these recommendations and would like for them to go into effect for the year 2010. Commissioner Travis noted that the Farmer Lake Board would like for the public to be aware of any changes to operations at Farmer Lake before they go into effect.

Commissioner Battle stated that he felt that these are good recommendations, but felt that the County should have a uniform website rather than different groups having their own website. Commissioner Battle added that there should be a link to the County's website for Farmer Lake, as well as other groups.

Upon questioning from Commissioner Satterfield as to the savings that will be realized from the Farmer Lake Board's recommendations, Mr. Garland answered that there would be a savings of \$3,800 per year. Commissioner Satterfield stated that it was his feeling that Farmer Lake could be closed for the period of November 15 – March 15 of each year.

Mr. Garland stated that it is his understanding that according to State law, whether the Lake is open or closed, the Lake Warden has to be there.

Commissioner Satterfield asked how there would be a savings of \$3,800 if the Lake Warden has to be there even when closed, and Commissioner Travis answered that this could be done by eliminating part-time positions.

Upon questions from the Board as to whether it was required that the Lake Warden be at the Lake even when closed, Mr. Michael Ferrell, County Attorney, stated that he would research this issue and report back to the Board.

Commissioner Travis noted that if the Lake was closed on Mondays and Tuesdays, it would still be open to those citizens who bought a season permit to fish at Farmer Lake, and would only be closed to those who do not have season permits.

Commissioner Carter stated that due to Farmer Lake being a public water supply and with the Town of Yanceyville drawing water out of it, there are certain restrictions that apply which are stricter than if it was not a public water supply.

Commissioner Satterfield stated that at one time the County was told that when the gates at Farmer Lake are closed, that no one had to be there.

Commissioner Battle suggested that the Board approve the proposed recommendations of the Farmer Lake Board and if the Board chooses to close the Lake for two more months, it can come back to this issue and make any changes.

Commissioner Hall questioned whether the Board should be changing fees at Farmer Lake in the middle of the budget year. Commissioner Hall added that there appears to be a marketing problem, rather than a money problem for Farmer Lake, and maybe Farmer Lake's issuance of permits should coincide with the County's budget year. Commissioner Hall suggested that the Board not charge a fee from January to June, and then after the budget has been adopted, in July set Farmer Lake's fees.

Commissioner Satterfield agreed that he did not feel that fees are a problem for Farmer Lake. Commissioner Satterfield suggested that if seniors are given a reduced permit rate, then young children should also be given a reduced rate. Commissioner Satterfield added that a six-month permit could be issued now, and then issue permits again in July to coincide with the County budget.

Commissioner Carter stated that he and Commissioner Travis serve on the Farmer Lake Board and a lot of thought has been put into these recommendations. Commissioner Carter added that he too agreed that the Lake needs to be better marketed.

After discussion, Commissioner Carter moved, seconded by Commissioner Travis to accept the Farmer Lake Board's recommendations for operations of Farmer Lake as presented.

Commissioner Hall stated that the Board did not discuss the No Duck Hunting Season in 2010 recommendation from the Farmer Lake Board. Commissioner Hall added that the Farmer Lake Board had stated that it was not cost effective, but noted that it had not been marketed.

Commissioner Hall stated that he felt that the Board needed to review its options further before making a decision.

Commissioner Ward stated that he did not know if it would be beneficial to the County to make the suggested changes at Farmer Lake if there is a savings of only \$3,800.

Upon a vote of the motion, the motion failed by a vote of five to two with Commissioners Jefferies, Ward, Battle, Hall, and Satterfield voting no.

Commissioner Satterfield stated that he did not have a problem with the recommendations from the Farmer Lake Board, but would like to hear from the County Attorney about whether it is required that the Lake Warden be at the Lake even when it is closed. Commissioner Satterfield added that the Board was told several years ago that if the Lake is closed and gate is locked, the Lake Warden did not have to be there, only if the Lake was open to the public.

After further discussion, Commissioner Ward moved, seconded by Chairman Jefferies to table this issue until the Board's October 19, 2009 meeting. The motion carried by a vote of five to two with Commissioners Carter and Travis voting no.

CASWELL COUNTY SCHOOLS

Dr. Douglas Barker, Superintendent, Caswell County Schools, came before the Board and stated that during the budget cycle this year, the School System was told that it would incur cuts in Current Expense. Dr. Barker added that on numerous occasions when he was present, it was always stated that the School System's Capital budget would be the same amount of funding as the previous year. Dr. Barker informed the Board that when he received a letter from the County Manager, the appropriation to the School System for Capital Outlay was \$4,000 short. Dr. Barker stated that after investigating further, he learned that during the early budget deliberations, the \$4,000 was taken out of the School's Capital budget, but added that during the entire budget process, he and the Board of Education were told that the Capital budget would remain the same. Dr. Barker stated that he was present tonight to request that they restore the \$4,000 that they were told should have been in the Schools' Capital budget.

Upon questioning from Commissioner Battle as to the amount in the Schools' Fund Balance, Dr. Barker answered that there is an unobligated amount of \$275,000 and approximately \$500,000 in other accounts that are obligated.

Commissioner Battle questioned why the Board of Education did not take the \$4,000 from its Fund Balance since it has the funds.

Commissioner Satterfield stated that it was his understanding through the entire budget process that on several occasions the County Manager informed the Board that the Capital amount for the Schools was the same and he did not recall anything about it being cut. Mr. Howard stated that the Capital amount was cut early in the budget process and did not change after that. Dr. Barker informed the Board that what was changed was the fact that he was told that the money

appropriated in the Capital account was exactly the same amount as what the Schools received last year.

Commissioner Hall stated that the Board spent 30 to 45 days working on the budget, and he did not know what was told to the Board of Education, but they had to balance the budget. Commissioner Hall added that it was the Board's responsibility to know what was in the final budget and when they voted to approve the budget, it was final for this fiscal year unless they appropriated funds from Fund Balance, which would not be prudent financially.

Commissioner Hall stated that the Board had considered requesting a meeting with the Board of Education to discuss capital needs.

Dr. Barker stated that the Board of Commissioners has already gone into Fund Balance for other issues, and the Board could go into Fund Balance for the \$4,000 to the School System, and that is what he was asking them to do.

Upon questioning from Commissioner Ward as to the amount in the Contingency Fund, the Board determined that there is approximately \$96,000 in the Contingency Fund.

Commissioner Ward moved, seconded by Commissioner Carter to appropriate \$4,000 from the Contingency Fund to Caswell County Schools for capital needs.

Commissioner Hall stated that at this point it would be irresponsible of the Board of Commissioners financially to appropriate these funds from Contingency. Commissioner Hall added that the Contingency Fund is for emergencies and this request is not an emergency. Commissioner Hall noted that the Board has to deal with emergencies for the entire County for the remainder of the fiscal year.

Upon a vote of the motion, the motion failed by a vote of four to three with Commissioners Battle, Hall, Satterfield, and Travis voting no.

FISCAL YEAR-END FINANCIAL REPORT

Ms. Gwen Vaughn, Finance Officer, came before the Board and presented the following Fiscal Year End Financial Report.

CALCULATING FUND BALANCE FOR GENERAL FUND

GL Postings as of 06/30/2009

Revenue	21,414,388
Expenditures	21,425,230
Over/Under	(10,841)

REVENUE

Posted to GL as of 06/30/09	21,414,388
*Sales Tax/Jun	155,475
Miscellaneous A/R	182,979
Estimated Total Revenue	21,752,842

EXPENDITURES

Posted to GL as of 06/30/09	21,425,230
Miscellaneous A/P as of 08/31/09	0
Estimated Accruals	35,000
Estimated Total Expenditures	21,460,230

LESS:

Sheriff/Police	76,161
Less Sheriff A/P	(924)
Sheriff/Police Balance	75,238

Revenue +/- Expenditures	292,613
Less Designations:	
Police	75,238

Estimated YE Fund Balance	217,375
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**FISCAL YEAR-END FINANCIAL REPORT
2009 UNAUDITED**

Slide

#3 Revenue

	<u>Budget</u>	<u>Actual</u>	<u>Percentage</u>
2009 Tax Levy	8,998,761	8,846,263	98%

#4 Sales Tax Distribution / Adopted Budget vs Actual

	<u>Budget</u>	<u>Actual</u>	<u>Percentage</u>
Restricted	1,237,333	1,107,402	89%
Unrestricted	2,798,228	2,252,942	81%

#5 Sales Tax Distribution/Unrestricted

	<u>Budget</u>	<u>Actual</u>	<u>Percentage</u>
Article 39	570,847	595,283	104%
Article 40	960,761	860,290	90%
Article 42	547,045	489,518	89%
Article 44	719,575	307,851	43%
Total	2,798,228	2,252,942	81%

#6 Sales Tax Distribution/Restricted

<i>School Capital Reserve</i>	<u>Budget</u>	<u>Actual</u>	<u>Percentage</u>
Article 40 30%	412,880	369,682	90%
Article 42 60%	824,453	737,720	89%
Total	1,237,333	1,107,402	89%

#7 Fund 100 - General Fund / Revenue vs Expenditures (as of 06/30/2009)

	<u>Revised</u>	<u>Actual</u>	<u>Percentage</u>
Revenues	23,499,977	21,414,389	91%
Expenditures	23,499,977	21,425,230	91%
Over/Under		(10,841)	

#8 General Fund Expenditures

#9	General Government	2,259,986
	Public Safety	3,219,513
	Emergency Services	1,017,986
	Economic & Physical Dev	212,524
	Environmental Protection	76,770
	Human Services	7,734,572
	Cultural & Recreational Serv	298,803
	Regional Agencies	122,336
	Special Appropriations	169,394
	Public Education	3,475,475
	Reserve for Fund Balance	1,021,504
	Debt Service/School Bonds	888,880

Debt Service/Installments	575,309
State & Federal Grants	137,772
Pass-Through Funds	12,690
Transfers to Other Funds	201,571
Contingency	0
Reserve for Fund Balance	0
Medicaid Relief - HH	145
Total	21,425,230

#10 **Revenue vs. Expenditures**

	<u>2006-2007</u>	<u>2007-2008</u>	<u>2008-2009</u> Unaudited
Fund 100 Revenue	22,311,312	22,796,388	21,414,388
Fund 100 Expenditures	21,969,913	21,779,917	21,425,230
	341,399	1,016,471	(10,842)

#11 **Tax Levy**

	<u>2006-2007</u>	<u>2007-2008</u>	<u>2008-2009</u> Unaudited
Adopted Budget	7,883,298	8,738,024	8,998,761
Tax Levy Collection	7,923,096	8,520,849	8,846,263
Collection Percentage	100%	97%	98%

#12 **Sales & Use Tax Distributions**

	<u>2006-2007</u>	<u>2007-2008</u>	<u>2008-2009</u> Unaudited
Article 39/Unrestricted	584,215	583,044	595,283
Article 40/Unrestricted	958,946	954,449	860,290
Article 40/Restricted	412,207	410,154	369,682
Article 42/Unrestricted	545,037	543,389	489,518
Article 42/Restricted	823,054	818,942	737,720
Article 44/Unrestricted	725,071	718,312	307,851
	4,048,530	4,028,290	3,360,344

#13 General Fund (Fund 100) Cash Balances

	<u>2006-2007</u>	<u>2007-2008</u>	<u>2008-2009</u> Unaudited
Fidelity	172,017	291,540	205,423
Capital Management Trust	3,491,431	4,491,540	4,295,264
Totals	3,663,448	4,783,080	4,500,687

#14 Fund Balance

	<u>2006-2007</u>	<u>2007-2008</u>	<u>2008-2009</u> <u>Unaudited</u>
Unreserved Governmental FB	3,423,344	4,437,537	_____
Overall FB	3,675,579	4,869,869	_____
	9.72%	14.26%	

BUDGET AMENDMENT NO. 5

Mr. Kevin Howard, County Manager, presented and reviewed Budget Amendment No. 5 for Fiscal Year 2009-2010.

Commissioner Battle stated that he would like to know how the money from United Way is being spent. Mr. Howard noted that he would obtain this information.

Commissioner Hall questioned the *Farmer Lake/Vehicle Service & Repairs* and the age and mileage of the vehicle needing repairs. Mr. Howard answered that the vehicle is old and was once used at the Sheriff's Office. Commissioner Hall stated that the Board needs to look at value when it is spending money.

Chairman Jefferies directed the County Manager to check with State surplus to see if they have an appropriate truck for use at Farmer Lake.

Commissioner Satterfield stated that he did not understand the Lake Warden's job dictating that he be furnished a vehicle to drive back and forth from home. Commissioner Satterfield added that the County is in the midst of a budget crisis with revenues being below expenditures.

After further discussion, Commissioner Ward moved, seconded by Chairman Jefferies to approve Budget Amendment No. 5 for Fiscal Year 2009-2010 as presented with the deletion of *Farmer Lake/Salaries-Part time, Farmer Lake/Vehicle Parts & Supplies, and Farmer*

Lake/Vehicle Service & Repairs. The motion carried by a vote of six to one with Commissioner Carter voting no.

Chairman Jefferies directed the County Manager to review the Farmer Lake line items further, with information to be brought back to the Board at its meeting on October 19, 2009.

BUDGET TRANSFER NO. 1

Mr. Kevin Howard, County Manager, presented and reviewed Budget Transfer No. 1 for Fiscal Year 2009-2010.

After discussion, Commissioner Carter moved, seconded by Commissioner Hall to approve Budget Transfer No. 1 for Fiscal Year 2009-2010 as presented. The motion carried unanimously.

TAX OFFICE

Mr. Thomas Bernard, Tax Director, came before the Board to request that it release a part-time Land Records/Appraiser Clerk position that was approved in the Fiscal Year 2009-2010 budget from the hiring freeze. Mr. Bernard stated that this position would allow the Tax Office to pick up new construction without having to contract with an outside vendor for this service.

After discussion, Commissioner Ward moved, seconded by Commissioner Satterfield to release the permanent part-time Land Records/Appraiser Clerk position in the Tax Office from the hiring freeze.

Upon questioning from Commissioner Battle as to the salary for the part-time Land Records/Appraiser Clerk position, Mr. Howard answered that \$15,000 was appropriated in the budget for the entire fiscal year.

Commissioner Hall questioned how much the Tax Office will save by not contracting with an outside vendor and Mr. Bernard answered that there would be a savings of \$9,500.

Upon a vote of the motion, the motion carried unanimously.

RECESS

The Board held a brief recess.

SOLID WASTE CONVENIENCE CENTER CONTRACT

Mr. Tim Smith, Solid Waste Director, came before the Board to discuss the Solid Waste Convenience Center Contract for the Pelham site. Mr. Smith informed the Board that he took the revised Solid Waste Convenience Center Contracts out to all the Convenience Center site operators a couple of weeks ago and got them all back, except one, that of the Pelham site. Mr. Smith reported that when he went to pick up the contract from Mr. Sam Bowen, operator of the

Pelham Solid Waste Convenience Center site, Mr. Bowen informed him that the County Manager had a copy of his contract which included changes that he made to the contract with his signature and notary seal and that was the only one that he was going to sign.

Commissioner Travis stated that he felt that all of the site operators need to sign the same contract and if Mr. Bowen does not want to sign the contract, then Mr. Smith should move the Pelham site to another location.

Commissioner Battle stated that there is no need to discuss this matter because the Board has a uniform contract and Mr. Bowen can sign it or another site operator will be identified.

Commissioner Ward stated that it was his understanding that Mr. Bowen was fine with the contract and it had been signed.

Commissioner Satterfield stated that in hopes of continuing to serve the citizens in Pelham and with it being the highest volume site, that Mr. Bowen be given direction that the County has a standard contract and the Board would like for him to sign it and operate the site, but if he is not willing to sign the contract, that he be asked to operate the site until the County can locate another site.

Mr. Smith noted that according to the previous County Attorney, even though the current contract with Mr. Bowen has expired, he is still bound under that contract until either he or the County proceeds with the 90-day provision for termination.

Mr. Michael Ferrell, County Attorney, stated that when he drafted the Revised Contract, he tried to accommodate some of Mr. Bowen's concerns and change the language in the contract. Mr. Ferrell noted that the only thing that he did not address was Paragraph Nine of the contract.

Upon questioning from Commissioner Hall as to the criteria and time for termination of the contract, Mr. Ferrell answered that the period of time for termination of the contract is 90 days. Commissioner Hall stated that the Board needs to notify Mr. Bowen of termination of operation of the site if he does not want to sign the contract and begin the process for location of a new site in Pelham.

After further discussion, Commissioner Travis moved, seconded by Commissioner Battle to direct the Solid Waste Director to begin the process in locating a new solid waste convenience center site for the Pelham area.

Upon questioning from Commissioner Carter as to how much it will cost the County to relocate the site, Mr. Smith answered that it would cost approximately \$7,500.

Upon a vote of the motion, the motion failed by a vote of four to three with Commissioners Jefferies, Ward, Carter, and Satterfield voting no.

After considerable discussion, Commissioner Satterfield moved, seconded by Commissioner Ward to instruct the Solid Waste Director to meet with Mr. Sam Bowen tomorrow morning and

let him know that the Board is not going to accept any contract other than the standard County Solid Waste Contract and if he refuses to sign the contract tomorrow, then give him a 90-day notice of termination of the contract and have the Solid Waste Director locate another site in the Pelham area. The motion carried by a vote of four to three with Commissioners Battle, Hall, and Travis voting no.

CASWELL COUNTY INDUSTRIAL REVOLVING LOAN SUB-COMMITTEE

Mr. Kevin Howard, County Manager, reported that the County received a \$75,000 grant from Rural Development to provide a no interest operating capital loan to NorAg Technologies. Mr. Howard informed the Board that the County can now draw down the money and a Revolving Loan Sub-committee needs to be appointed to review NorAg's application. Mr. Howard stated that the Sub-committee will make a recommendation to the Board of Commissioners on whether or not to approve the application.

Mr. Howard reported that the Sub-committee will be comprised of a County Commissioner, County Manager, Economic Development Director or Finance Director, and two representatives from local banks. Mr. Howard added that Ms. Debbie Chandler of Fidelity Bank and Mr. Bob Via of American National Bank have agreed to serve on this Sub-committee, and one of them will serve as the underwriter for the loans.

After discussion, Commissioner Ward moved, seconded by Commissioner Satterfield to appoint Chairman Jefferies, County Manager, County Finance Director, Ms. Debbie Chandler of Fidelity Bank, and Mr. Bob Via of American National Bank to the Caswell County Industrial Revolving Loan Sub-Committee. The motion carried unanimously.

MINORITY BUSINESS ENTERPRISE PROGRAM

Mr. Kevin Howard, County Manager, reported that the Board needs to adopt a Resolution which will establish a 10% goal for minority business participation on water and sewer projects. Mr. Howard noted that this Resolution is needed to be included with the County's application for the Pelham Industrial Park Project.

Commissioner Ward moved, seconded by Chairman Jefferies to adopt the following *Minority Business Enterprise Program Resolution*. The motion carried unanimously.

RESOLUTION

MINORITY BUSINESS ENTERPRISE PROGRAM

WHEREAS: the County of Caswell is applying for a North Carolina Rural Center grant program; and

WHEREAS: the receipt of North Carolina Rural Center grant program funds require a certificate from the local unit of government stating that an appropriate verifiable

percentage goal for participation by minority business has been adopted in accordance with G.S. 143-128-c (as amended).

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY OF CASWELL THAT:

1. The County of Caswell establishes a 10% goal for minority business participation on water and sewer projects in accordance with G.S. 143-128-c (as amended).
2. To seek minority business participation the County of Caswell shall:
 - a. Place a statement in bid solicitations that the County of Caswell has established a 10% minority goal for minority business participation in accordance with G.S. 143-128-c (as amended) and encouraging minority businesses to participate in the project in a regional newspaper.
 - b. Minority participation forms required by G.S. 143-128-c (as amended), a list of underutilized businesses with Caswell County addresses obtained from the North Carolina Department of Administration's website, and a statement encouraging the use of minority businesses will be included with bid documents.
 - c. Contract documents will include minority participation forms and documentation required by G.S. 143-128-c (as amended) and a statement that contractors and subcontractors maintain a list of minority business utilization (name and dollar amount) and provide this information to the County.

Contracts will be awarded to the lowest responsible bidder.

Adopted this the 5th day of October, 2009, at Yanceyville, North Carolina.

S/Jeremiah Jefferies
Jeremiah Jefferies, Chairman

S/Wanda P. Smith
Clerk to the Caswell County Board
of County Commissioners

SEAL

Upon questioning from Commissioner Hall as to specifically who will monitor this, the County Manager answered that he would monitor this. Mr. Howard added that Mr. Skip Green is preparing the grant application and he will monitor the grant process.

LIQUOR BY THE DRINK

Commissioner Battle stated that he had requested the Statutes or requirements for a local election on Liquor by the Drink and added that he looks at this as a revenue source to help fund the

Schools. Commissioner Battle noted that there are existing local businesses that would benefit by the County having Liquor by the Drink, as well as attracting new businesses to the County. Commissioner Battle stated that the County Attorney has compiled some information on a local election for Liquor by the Drink for review by the Board. Commissioner Battle added that he feels that a referendum needs to be held on Liquor by the Drink and the public needs to be educated on the subject which would be a revenue source and benefit local businesses.

The following memo was submitted by the County Attorney to the Board of Commissioners.

MEMO TO: Caswell County Board of Commissioners

FROM: Michael R. Ferrell, County Attorney

DATE: September 11, 2009

At the meeting held on September 8, 2009, the Board asked me for a memo on the procedures required for a local election on liquor by the drink. Following is an outline of the required steps:

1. A county may hold a mixed drink election (liquor by the drink – hereafter LBD) only if the county already operates ABC stores, or if the election is for allowing both ABC stores and LBD.
2. A city can hold a LBD election only if it has at least 500 registered voters, and either the city operates ABC stores or the city LBD election is held at the same time as an ABC election; or the city does not operate ABC stores, but the county operates ABC stores and has held a LBD election which failed.
3. There is also a process for smaller cities.
4. Elections shall be conducted in the same manner as all referendum elections, by the county board of elections.
5. Elections required to be held upon the written request from the Board of Commissioners, or upon a petition of at least 35% of registered voters.
6. Date of the election not sooner than 60 days nor later than 120 days from the date of the request, but no ABC or LBD election may be held on the Tuesday next after the first Monday in November of even-numbered years.
7. No county or city ABC election may be held within 3 years of a previous election on the same issue.

8. If a county ABC or LBD election passes, it is effective throughout the county, including within cities located in the county.
9. If a county ABC or LBD election fails, it does not make illegal ABC or LBD sales in a city which has previously held an election to allow such sales.

Commissioner Travis asked if the issue of Liquor by the Drink was placed on the ballot in May, would it affect the Town. Mr. Ferrell answered that if Liquor by the Drink is voted on county-wide and passed, it would affect the Towns in the County. Mr. Ferrell added that if Liquor by the Drink did not pass, the Towns would still have the option to hold their own referendums on the issue.

Commissioner Satterfield questioned whether any business owners have approached any Board members and expressed a desire to have Liquor by the Drink in the County. Commissioner Battle answered that he has had two businesses approach him and express a desire to have Liquor by the Drink in the County.

Commissioner Travis added that there have been business owners in the past that have come before the Board with a request to have Liquor by the Drink in the County. Commissioner Travis noted that citizens can buy beer and wine at the grocery store, alcohol at the ABC Store and restaurants in surrounding areas, and he would support Liquor by the Drink. Commissioner Travis added that no one is forced to buy beer and wine or an alcoholic beverage.

Commissioner Carter noted that the State has changed its law and the County is not receiving as much revenue from the beer and wine tax. Commissioner Carter added that he has talked to several citizens in the County about the Liquor by the Drink issue and he would vote no on the subject.

After further discussion, Commissioner Travis moved, seconded by Commissioner Battle that Liquor by the Drink be placed on the ballot in the May, 2010 election, and that the Board of Commissioners communicate to the Board of Elections at a date no later than 120 days from the May primary date a request for a referendum on the matter.

Commissioner Satterfield questioned whether there are any restaurants outside of the Town that want to have Liquor by the Drink. It was noted that when there is Liquor by the Drink, there has to be food served in the establishment also. Commissioner Satterfield stated that the Board of Commissioners should discuss this issue with the Yanceyville and Milton Town Councils before it makes a decision.

Commissioner Carter agreed that the Board needs to discuss the Liquor by the Drink issue with the Yanceyville and Milton Town Councils before it is brought before a vote.

Commissioner Ward asked the County Attorney if it is true that anyone can brown bag in a restaurant that serves beer and wine in Caswell County. Mr. Ferrell answered that it is his understanding that this is correct. Commissioner Ward stated that if the Board votes on Liquor by the Drink and it passes, then there would be a way of controlling how much someone drinks in a restaurant instead of them brown bagging and drinking as much as they like and then leaving the establishment impaired. Commissioner Ward added that a restaurant owner has the right to refuse to serve drinks to a customer and noted that the owner has liability issues if a customer has consumed too much alcohol in his restaurant and leaves and has an accident. Commissioner Ward stated that the control factor would be the only reason he would support Liquor by the Drink.

Chairman Jefferies stated that for personal reasons he would never vote for Liquor by the Drink.

Commissioner Hall stated that the big issue before the Board is economic development. Commissioner Hall added that in talking with businesses and franchise holders there are certain things that they need before they come into the County, and even if the Board does not agree with everything, they need to deal with it. Commissioner Hall stated that in his traveling to Danville, Virginia he has seen a large percentage of people from Caswell County at the steakhouses and bars and noted that the issue before the Board is strictly business rather than personal feelings. Commissioner Hall added that the Board needs to think about what is in the best interest of the County. Upon questioning from Commissioner Carter, Commissioner Hall stated that he did not feel that the County needed to discuss this issue first with the Towns of Yanceyville and Milton because the North Carolina General Statutes states that it is up to the Board of Commissioners whether it would like to pursue Liquor by the Drink.

Commissioner Battle stated that all he is asking is that Liquor by the Drink be placed on the ballot and given the opportunity to be voted on, and if it is passed, then establishments will have the option to choose Liquor by the Drink or not.

Upon a vote of the motion, the motion failed by a vote of four to three with Commissioners Carter, Jefferies, Satterfield, and Ward voting no.

Commissioner Ward moved that the County contact the Towns of Yanceyville and Milton and ask for their opinions and discussion on Liquor by the Drink, inform them that the County is considering placing this issue on the May ballot, then determine if they will support the Board in this, and discuss this further after the information has been brought back before the Board. The motion died for lack of a second.

REVIEW OF BOARD RETREAT PRIORITIES LIST

Mr. Kevin Howard, County Manager, presented a spread sheet listing issues of importance as determined by the Board at its Retreat and each Commissioner's priority ranking, as well as a cumulative ranking.

The following is the Board Retreat Priorities List ranked in order of priority:

Departmental Standard Operating Procedures

New County Jail

Zoning

Ordinance Enforcement

County Water System

Solid Waste – County-Wide Pickup

Economic Developer

Sales Tax Referendum

Liquor by the Drink

Remove Utility Lines on Square

Full Time Attorney

In discussing the priorities, Commissioner Battle stated that some of the issues, such as the highest ranked, *Departmental Standard Operating Procedures*, should already be in progress. Mr. Howard noted that he would not have taken action on any of the issues without Board direction.

Commissioner Hall stated that he agreed with Commissioner Battle in that issues such as *Departmental Standard Operating Procedures* should have already been addressed with department heads and should not require a vote of the Board of Commissioners before anything is done. Commissioner Hall added that the Board discussed this issue at its Retreat because it was a problem, and once it was identified as a problem, someone should have started on it and should not require a vote of the Board of Commissioners.

Commissioner Battle stated that every County department should have *Standard Operating Procedures* for everything that they do in their respective departments.

Commissioner Hall noted that the Sheriff's Office, Register of Deeds Office, and Tax Office do not report to the County Manager, therefore, the Board has to get involved, discuss the issue, and communicate to these departments that they are also expected to present *Departmental Standard Operating Procedures*.

Commissioner Ward stated that it takes more than one Commissioner to give the County Manager direction on an issue, rather it requires a consensus of the Board.

Commissioner Satterfield noted that the County Manager works for seven Commissioners and it takes the approval of four of those Commissioners to give him direction on an issue, and he cannot react to individual Commissioners. Commissioner Satterfield stated that it was agreed by the Board at the Retreat that County departments needed to have *Standard Operating Procedures* and now would be the appropriate time to respond to it.

Mr. Howard stated that he would bring what the County departments currently use for *Standard Operating Procedures* to the Board's next meeting.

The Board briefly discussed the *New County Jail* priority. Chairman Jefferies noted that there is a special meeting scheduled on Wednesday, October 7, 2009, at 3:00 p.m. with the Sheriff to discuss the *New County Jail* Project.

Commissioner Satterfield stated that he would like to see the Board concentrate on the top five priorities and meet on each issue separately.

Commissioner Hall noted that some of the priorities listed will require more discussion up front than action.

The Board briefly discussed the *Zoning* priority. Commissioner Hall stated that businesses are not going to move into a County without it having some type of zoning. Commissioner Hall added that businesses in some areas of the County are urging the Board to establish zoning because others are moving in next to them that are not compatible with what they are doing. Commissioner Hall noted that zoning is as much a protection as anything else.

Commissioner Battle stated that zoning is in the best interest of the County and added that at some point the County has to change and has to look progressively.

Commissioner Satterfield stated that he would like to have the County Manager get with the current or former County Planner and find out the status of the Land Use Zoning issue. Commissioner Satterfield added that he would like to obtain and read a copy of the Land Use Plan that was presented to the Board of Commissioners several years ago and would also like to know why it was not put before the people of the County or passed by the Board. Commissioner Satterfield stated that it would be good for the Board of Commissioners to review the documents and meet with the Planning Board to discuss the issue further.

Commissioner Ward stated that he did not support the Land Use Plan as presented to the Board several years ago with the word "zoning" in it, and noted that the Land Use Plan did eventually pass.

Mr. Howard informed the Board that a staff member of the North Carolina Department of Commerce, Division of Community Assistance could come to a Board meeting and discuss zoning and land use planning.

Commissioner Hall stated that he felt that a workshop on this issue would be a benefit to the Board.

The Clerk to the Board was directed to research the minutes and materials prepared several years ago by the former County Planner on land use planning and present the documents to the Board of Commissioners for further review and consideration.

The Board agreed to schedule a special meeting to hold a workshop one hour prior to a regular meeting to discuss zoning and land use planning.

The Board discussed the *County Water System* priority. Commissioner Hall stated that water is already an issue and a county-wide water system would probably cost the County a quarter of a billion dollars. Commissioner Hall noted that even though this might be a priority, the County does not have the money for this, therefore, they would have to break it down to manageable parts. Commissioner Hall stated that this could begin by identifying what the issues are and what part of the County has most of those issues.

DISCUSSION OF MEMORIAL SERVICE FOR TRAVIS WILLIAMSON

Commissioner Hall reported that the Committee for the Memorial Service for Travis Williamson has been meeting and has established a tentative date for the event. Commissioner Hall stated that the event has tentatively been scheduled for Wednesday, November 4, 2009, at 4:00 p.m. – 6:00 p.m. at the Caswell County Senior Center. Commissioner Hall requested approval of a budget to spend up to \$350 for this service.

Commissioner Battle moved, seconded by Commissioner Ward to appropriate \$350 from the Contingency Account to be used for the Travis Williamson Memorial Service.

Commissioner Satterfield questioned whether the Board is setting a precedent to hold a memorial service for every County employee who serves 20 to 30 years and passes away. Commissioner Hall answered that the Board is setting a precedent that it is holding a Memorial Service and setting a precedent for a past employee that is well deserved. Commissioner Satterfield stated that he is not questioning whether this memorial service is well deserved because he agrees with it, but wants to make sure that all County employees get the same treatment. Commissioner Hall stated that all County employees are valuable, but all employees are not the same and do not make the same contribution to the County, and he would not vote for all County employees to receive the same treatment. Commissioner Satterfield stated that he felt that every County employee in their own way, if they give 30 years of service to Caswell County, are equally valuable to the County.

Upon a vote of the motion, the motion carried unanimously.

COUNTY MANAGER'S REPORT

Mr. Kevin B. Howard, County Manager, presented and discussed the *North Carolina Pre-Disaster Mitigation Planning Grant Agreement* and informed the Board that it is time to update the County's Emergency Operations Plan as required by State law. Mr. Howard informed the Board that the County has received a grant to assist in this update and will cover the cost of hiring a company to come in and update the Plan. Mr. Howard added that the County match required will be in-kind, divided between EMS and the Planning Department as far as staff hours, and there are some funds budgeted in EMS for capital costs that will cover this. After discussion, Commissioner Hall moved, seconded by Chairman Jefferies to accept the *North*

Carolina Pre-Disaster Mitigation Planning Grant as presented. The motion carried unanimously.

Mr. Howard presented a request from Mr. Joey Knight, County Extension Director, NC Cooperative Extension Service, that the Board release two part-time permanent positions for the Juvenile Crime Prevention Council Program from the hiring freeze. Mr. Howard noted that the funds are in the budget and approved by the State and County. Commissioner Carter moved, seconded by Commissioner Hall to release two part-time permanent positions for the Juvenile Crime Prevention Council Program from the hiring freeze. The motion carried unanimously.

Mr. Howard reported that he has been talking with Piedmont Community College staff concerning their request for office space. Mr. Howard added that he recently discussed this request with Senator Tony Foriest and he is going to try to assist in identifying funding that would pay for the office space requested by PCC. Mr. Howard noted that he is reviewing a Work Force Development Grant to assist with this. Mr. Howard reported that he also discussed the possibility of acquiring stimulus funds to assist with the renovation of the Guilford Mills Building for use by PCC, and would be bringing additional information to the Board.

Mr. Howard reported that the State received stimulus funds in the amount of \$1.3 million for milling, resurfacing, and reconstructing the shoulders along 7.8 miles of NC Hwy 86 in Caswell County from just north of the Yanceyville city limits to approximately one-fourth mile south of its intersection with NC Hwy 119. Mr. Howard noted that work is scheduled to begin as early as April 5, 2010, with final completion by August 6, 2010.

Chairman Jefferies questioned whether the County Manager has any information on stimulus funds that can be used for bridges, such as the one on the Yarborough's Mill Road. Mr. Howard answered that he would investigate this and report back to the Board.

ANNOUNCEMENTS

Commissioner Satterfield noted that overtime reported on the Monthly Overtime Report continues to grow. Commissioner Satterfield questioned the difference in Emergency Telephone and 911 Telecommunications as listed on the Overtime Report. Mr. Howard answered that he would determine this and report back to the Board.

Commissioner Battle reported that he obtained and read a copy of the County's *Strategic Plan* which was prepared in 2005 and added that it is a very good plan. Commissioner Battle stated that there are some things that the County has done since 2005, and some that have not been done due to funding. Commissioner Battle added that he felt that the County needs to consider instituting an Occupancy Tax and questioned whether an Annual Agriculture Exposition is being conducted in the County. Mr. Howard answered that there have been some in the past, but it is not currently being done. Commissioner Battle stated that the Board needs to continue to look at economic development if it wants the County to succeed.

Commissioner Battle questioned whether there is a Youth Leadership Program in the County for its future leaders. Mr. Howard answered that to his knowledge there is not a Youth Leadership Program in the County.

Commissioner Battle questioned how the Board feels about trying to get a Food Lion grocery store to locate near the new Dollar General Store recently established in Prospect Hill. There was Board consensus to pursue this.

Commissioner Battle questioned the County Manager as to whether he was still planning to send the Commissioners regular County Manager Report e-mails on County projects as he had previously told the Board. Mr. Howard answered that he would begin sending regular e-mail reports to the Board.

Commissioner Hall reported that a meeting of the 2010 Census Complete Count Committee was scheduled in September, but he was asked to reschedule it for October 26, 2009.

Commissioner Carter reported that recently he walked into an establishment in Yanceyville and was asked why the County paid \$1,500 for two Commissioners to attend a meeting and he told them he was not aware of this.

Commissioner Carter reported that at the Annual Bright Leaf Hoedown he and the County Manager had the opportunity to talk to Representative Bill Faison, Senator Tony Foriest, and North Carolina Secretary of State Elaine Marshall. Commissioner Carter added that Senator Foriest informed them that \$6 billion of stimulus funds has been appropriated to the State of North Carolina and less than \$3 billion has been allocated.

Chairman Jefferies reported that he received a call from a senior citizen who was over the age of 65 and who was interested in obtaining a tax exemption. Chairman Jefferies stated that the citizen felt that the Board needed to make the public more aware of this tax exemption. Ms. Angela Evans, with The Caswell Messenger suggested that this information be included in the bulletins that Ms. Donna Pointer, Aging Services Director publishes in the newspaper. The Board was agreeable to this.

Ms. Wanda Smith, Clerk to the Board, announced that the Annual Employee Appreciation Luncheon hosted by the Board of Commissioners would be held on Tuesday, December 1, 2009, at 12:00 noon at the Caswell County Civic Center.

THE ADJOURNMENT

At 9:30 p.m. Commissioner Carter moved, seconded by Commissioner Travis to adjourn the meeting. The motion carried unanimously.

Wanda P. Smith
Clerk to the Board

Jeremiah Jefferies
Chairman